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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,132

12/05/2005

Stefan Wilhelm

LINDE-627

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EXAMINER

DOERRLER, WILLIAM CHARLES

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,132	Applicant(s) WILHELM, STEFAN	
	Examiner William C. Doerrler	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-3-2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed 1-3-2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Copies of references 6 and 8 could not be located. The other references have been located and made of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstone et al (6,360,545) in view of Scott (2,181,074).

Goldstone et al discloses applicant's basic inventive concept, a coldbox having a rectangular base and a sheet metal lining for a cryogenic separation system,

substantially as claimed with the exception of forming the sheet metal lining from modular panels. Scott shows this feature to be old in the insulated liquid containment art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Scott to modify the insulated, lined enclosure of Goldstone et al by using modular sheet metal panels to make the lining easier to construct and self supporting. In regard to claim 5, the size of the panels is seen as a matter of design choice for an ordinary practitioner in the art. Applicant's claimed size range is seen to be in the range that would have been obvious to an ordinary practitioner in the art to provide panels that are easily transported and easy to assemble.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstone et al (6,360,545) in view of Sharma et al (5,548,933).

Goldstone et al discloses applicant's basic inventive concept, a coldbox having a rectangular base and a sheet metal lining for insulating and protecting a cryogenic separation system, substantially as claimed with the exception of using a plurality of metal plates to form the liner. Sharma et al show this feature to be old in the tank art in line 38 of column 7. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Sharma et al to modify the insulated, lined enclosure of Goldstone et al by using modular sheet metal panels to make the lining easier to construct and self supporting. In regard to claim 5, the size of the panels is seen as a matter of design choice for an ordinary practitioner in the art. Applicant's claimed size range is seen to be in the range that would have been obvious to an

ordinary practitioner in the art to provide panels that are easily transported and easy to assemble.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstone et al (6,360,545) in view of Voegeli et al (4,739,597).

Goldstone et al disclose applicant's basic inventive concept, a rectangular bottomed, metal lined enclosure for a cryogenic separation system, substantially as claimed with the exception of forming the sheet metal lining using sheet metal panels which are held together with a frame of U-shaped members. Voegeli et al show this feature to be old in the metallic enclosures art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Voegeli et al to modify the enclosure of Goldstone et al by forming the sheet metal lining with common sized panels that are held together with a framework to provide a fluid tight, durable enclosure that can be readily transported and assembled. In regard to claim 5, the size of the panels is seen as a matter of design choice for an ordinary practitioner in the art.

Applicant's claimed size range is seen to be in the range that would have been obvious to an ordinary practitioner in the art to provide panels that are easily transported and easy to assemble. In regard to claim 10, see the mounting of lamps 123 in the interior of the panels of Voegeli et al. Preassembling a portion of the wall before it is integrated into the sidewall is seen as obvious to one of ordinary skill in the assembly of structures art. Portions of walls are customarily partially assembled and then added to the whole. An example of this is framing a wall and then fastening multiple walls together to frame a building.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richard et al shows a tank construction. Bush et al, Graham, Dhellemmes et al and Morrison show insulated enclosures with panels forming a liner. Copies of the foreign references, other than references 6 and 8, from the 1-3-2005 IDS have been included to make them of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Doerrler whose telephone number is (571) 272-4807. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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William C Doerrler
Primary Examiner
Art Unit 3744

WCD

/William C Doerrler/
Primary Examiner, Art Unit 3744